



Docket No.: UK9-1998-0093

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JMM
5-12-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: E. K. Kolodner, et al.
Appl. No.: 09/356,532
Filed: 07/19/1999
Title: Virtual Machine Memory Management

Examiner: Nguyen, Dustin
Grp./A.U.: 2154

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Technology Center 2100

**TERMINAL DISCLAIMER TO OBVIATE OBVIOUSNESS TYPE DOUBLE
PATENTING REJECTION OVER A COPENDING APPLICATION**

Honorable Assistant Commissioner
for Patents
Washington, DC 20231

I hereby certify that this paper or fee is being deposited with the U.S.
Postal Service as First Class Mail addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231

on April 28, 2003

Michael J. Buchanan
Signature

Sir:

The owner, International Business Machines Corporation, of the entire interest in the instant application (as evidenced by the assignment recorded on **July 19, 1999**, at reel **010117** frame **0657**) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of copending Application No. **09/337,824**, filed **June 22, 1999**, for "Virtual Machine Memory Management," said copending

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application being owned by said International Business Machines Corporation (as evidenced by the assignment recorded on **June 21, 1999**, at reel **010056**, frame **0397**). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the copending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 §154 to §156 and §173 of the copending application, as presently shortened by any terminal disclaimer, in the event that the copending application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

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United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the Terminal Disclaimer fee of **\$110.00** under 37 §1.20(d) to Deposit Account No. **50-0510**.

Respectfully submitted,

Michael J. Buchenhorner

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Date: April 28, 2003